

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

SYNTEL STERLING BEST SHORES  
MAURITIUS LIMITED, and SYNTEL, INC.,

Plaintiffs/Counterclaim-Defendants,

v.

THE TRIZETTO GROUP, INC., et al.,

Defendants/Counterclaim-Plaintiffs.

1:15-CV-00211 (LGS) (SDA)

ORDER

LORNA G. SCHOFIELD, District Judge:

WHEREAS, the parties have filed a joint renewed motion to seal certain trial exhibits (Dkt. No. 988).

WHEREAS, trial exhibits are judicial documents even if they were not published at trial or relied upon by the parties in post-trial briefing because they are a part of the trial record admitted into evidence and submitted to the jury for consideration during the jury's deliberations. "[J]udicial documents include 'any item entered into evidence at a public session of trial, excluding only those items entered under seal.'" *Mirlis v. Greer*, 952 F.3d 51, 60 (2d Cir. 2020) (quoting *Application of CBS, Inc.*, 828 F.2d 958, 959 (2d Cir. 1987)).

WHEREAS, the First Amendment right of access applies to trial exhibits. To determine whether the First Amendment right of access attaches to a document, the Second Circuit "applie[s] an 'experience and logic' test, examining '(a) whether the documents have historically been open to the press and general public (experience) and (b) whether public access plays a significant positive role in the functioning of the particular process in question (logic).'" *Mirlis*, 952 F.3d at 58 n.5 (quoting *United States v. Erie Cty.*, 763 F.3d 235, 239 (2d Cir. 2014)). For at

least forty years, the Second Circuit has found “a presumption in favor of public inspection and copying of any item entered into evidence at a public session of a trial.” *In re Application of Nat’l Broad. Co., Inc.*, 635 F.2d 945, 952 (2d Cir. 1980). Public access to evidence submitted to a jury comports with “the logic of democratic monitoring of judicial processes.” *Erie Cty.*, 763 F.3d at 243. Both experience and logic support finding that the First Amendment right of access attaches to trial exhibits. It is hereby

**I. Application Regarding Trial Exhibits**

**ORDERED** that the parties’ May 14, 2021, application to seal trial exhibits (Dkt. No. 988) is GRANTED, as reflected below. It is further

**a. Joint Sealing Request**

**ORDERED** that the following exhibits shall be sealed because they contain confidential technical and business information: DTX-007, DTX-052, DTX-1254, DTX-1424. The balancing of interests favors permitting the exhibits to be sealed. It is further

**b. Plaintiffs’ Sealing Requests**

**ORDERED** that the following exhibits shall be sealed because they contain confidential business, contractual, accounting, technical and financial information: PTX-006, PTX-077, PTX-137, PTX-138, PTX-139, PTX-145, PTX-153, PTX-156, PTX-157, PTX-193, PTX-207, PTX-1509, PTX-1513, DTX-1241, DTX-182, DTX-212, DTX-241, PTX-003, DTX-386, DTX-1246, DTX-1247, DTX-1398, DTX-1399, DTX-1404, DTX-1411. The balancing of interests favors permitting the exhibits to be sealed. It is further

**ORDERED** that the following exhibits shall be redacted because they contain confidential business, contractual, technical and financial information: PTX-144, PTX-1507, PTX-1508, DTX-006, DTX-015, PTX-1491, DTX-078, DTX-179, DTX-209, DTX-214, DTX-419, DTX-435, DTX-462, DTX-1409. The balancing of interests favors permitting Syntel’s

narrowly tailored redactions. It is further

**c. TriZetto's Sealing Request**

**ORDERED** that the following exhibits shall be sealed because they contain confidential and proprietary technical, financial, business, third party and/or trade secret information: DTX-0020, DTX-0023, DTX-0024, DTX-0027, DTX-0029, DTX-0032, DTX-0034, DTX-0035, DTX-0050, DTX-0086, DTX-0088, DTX-0094, DTX-0098, DTX-0106, DTX-0108, DTX-0139, DTX-0169, DTX-0170, DTX-0171, DTX-0172, DTX-00173, DTX-0174, DTX-0187, DTX-0189, DTX-0203, DTX-0204, DTX-0205, DTX-0206, DTX-0217, DTX-0222, DTX-0224, DTX-0227, DTX-0274, DTX-0277, DTX-0365, DTX-0367, DTX-0368, DTX-0384, DTX-0385, DTX-0399, DTX-0400, DTX-0401, DTX-0402, DTX-0403, DTX-0404, DTX-0405, DTX-0407, DTX-0408, DTX-0409, DTX-0410, DTX-0411, DTX-0412, DTX-0413, DTX-0414, DTX-0468, DTX-0470, DTX-0496, DTX-0499, DTX-0532, DTX-0533, DTX-0534, DTX-0537, DTX-0539, DTX-0541, DTX-0542, DTX-0546, DTX-0547, DTX-0548, DTX-0551, DTX-0552, DTX-0612, DTX-0628, DTX-0629, DTX-0630, DTX-0631, DTX-0632, DTX-0636, DTX-0640, DTX-0641, DTX-0644, DTX-0645, DTX-0646, DTX-0647, DTX-0648, DTX-0649, DTX-0650, DTX-0651, DTX-0652, DTX-0653, DTX-0654, DTX-0655, DTX-0656, DTX-0657, DTX-0658, DTX-0659, DTX-0660, DTX-0661, DTX-0662, DTX-0663, DTX-0664, DTX-0665, DTX-0666, DTX-0667, DTX-0668, DTX-0669, DTX-0670, DTX-0671, DTX-0672, DTX-0673, DTX-0674, DTX-0675, DTX-0679, DTX-0682, DTX-0688, DTX-0689, DTX-0690, DTX-0691, DTX-0692, DTX-0693, DTX-0694, DTX-0695, DTX-0696, DTX-0697, DTX-0698, DTX-0700, DTX-0701, DTX-0703, DTX-0706, DTX-0708, DTX-0736, DTX-0738, DTX-0770, DTX-0814, DTX-0876, DTX-0883, DTX-0888, DTX-0893, DTX-0895, DTX-01036, DTX-1038, DTX-1050, DTX-1064, DTX-1065, DTX-1067, DTX-1074, DTX-1076, DTX-1080, DTX-1081, DTX-1083, DTX-1087, DTX-1089, DTX-1093, DTX-1094, DTX-1095, DTX-1096, DTX-1097, DTX-1100, DTX-1101,

DTX-1102, DTX-1103, DTX-1104, DTX-1105, DTX-1113, DTX-1114, DTX-1115, DTX-1116, DTX-1117, DTX-1118, DTX-1120, DTX-1122, DTX-1123, DTX-1129, DTX-1130, DTX-1131, DTX-1137, DTX-1191, DTX-1192, DTX-1207, DTX-1210, DTX-1213, DTX-1236, DTX-1237, DTX-1257, DTX-1294, DTX-1297, DTX-1306, DTX-1307, DTX-1308, DTX-1309, DTX-1311, DTX-1313, DTX-1346, DTX-1347, DTX-1348, DTX-1350, DTX-1351, DTX-1352, DTX-1353, DTX-1354, DTX-1355, DTX-1356, DTX-1357, DTX-1358, DTX-1359, DTX-1360, DTX-1361, DTX-1362, DTX-1415, DTX-1423, DTX-1425, DTX-1453, DTX-1454, DTX-1456, DTX-1457, DTX-1458, DTX-1459, DTX-1461, DTX-1462, DTX-1463, DTX-1464, DTX-1465, DTX-1466, DTX-1467, DTX-1468, DTX-1470, DTX-1471, DTX-1472, DTX-1474, DTX-1476, DTX-1477, DTX-1478, DTX-1479, DTX-1480, DTX-1481, DTX-1482, DTX-1483, DTX-1484. DTX-1485, DTX-1486, DTX-1487, DTX-1490, DTX-1491, DTX-1493, DTX-1494, DTX-1495, DTX-1496, DTX-1497, DTX-1498, DTX-1499, DTX-1500, DTX-1501, DTX-1502, DTX-1503, DTX-1504, DTX-1505, DTX-1506, DTX-1507, DTX-1508, DTX-1510, DTX-1511, DTX-1512, DTX-1513, DTX-1514, DTX-1515, DTX-1516, DTX-1517, DTX-1518, DTX-1519, DTX-1520, DTX-1521, DTX-1522, DTX-1523, DTX-1524, DTX-1525, DTX-1526, DTX-1527, DTX-1528, DTX-1529, DTX-1530, DTX-1531, DTX-1532, DTX-1533, DTX-1534, DTX-1535, DTX-1536, DTX-1537, DTX-1538, PTX-0063, PTX-0682, PTX-0848, PTX-0849, PTX-0850, PTX-1493, PTX-1494, PTX-1495, PTX-1496, PTX-1497, PTX-1498, PTX-1499, PTX-1500, PTX-1501, PTX-1502, PTX-1503, PTX-1504, PTX-1505, PTX-1506. The balancing of interests favors permitting the exhibits to be sealed. It is further

**ORDERED** that the following exhibits shall be redacted because they contain confidential and proprietary financial, trade secret and personal information: DTX-0013, DTX-0256, DTX-0524, DTX-1193, DTX-1194, DTX-1195, DTX-1296, PTX-0065, PTX-0235, PTX-

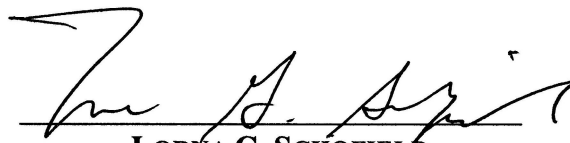
0451, PTX-0462, PTX-0641, PTX-0666, PTX-0670, PTX-0681, PTX-0720, PTX-0725, PTX-0830. The balancing of interests favors permitting TriZetto's narrowly tailored redactions. It is further

## **II. Conclusion**

**ORDERED** that both parties' requests are GRANTED. Although "[t]he common law right of public access to judicial documents is firmly rooted in our nation's history," this right is not absolute and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119–20 (2d Cir. 2006) (internal quotation marks omitted); *see also Nixon v. Warner Commc'ns., Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case."). The proposed redactions and sealing requests are narrowly tailored to prevent unauthorized dissemination of sensitive business information. It is further

**ORDERED** that the Trial Exhibits shall be treated as sealed in accordance with this Order. It is the parties' responsibility to maintain the trial exhibits.

Dated: July 13, 2021  
New York, New York

  
**LORNA G. SCHOFIELD**  
**UNITED STATES DISTRICT JUDGE**